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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,965	06/24/2003	Benedict Anthony Gomes	Google-4/CON1(GP-009-01-	1058
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Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			EXAMINER LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
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			12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,965	Applicant(s) GOMES ET AL.	
	Examiner CHEYNE D. LY	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-52, 54, 55, 57, 58 and 60-72 is/are pending in the application.
- 4a) Of the above claim(s) 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-52, 54, 55, 57, 58 and 60-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' arguments filed September 15, 2008 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. Newly submitted claim 72 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
3. Inventions of claims 46-52, 54, 55, 57, 58, 60, 61, and 62-71, and 72 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the examined invention does not require the "identifying query-specific duplicates documents by comparing one or more segments of documents corresponding to the search results, wherein each of the one or more segments includes at least one of the one or more keywords."
4. The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a

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continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 72 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
6. Claims 46-52, 54, 55, 57, 58, 60, 61, and 62-71 are examined on the merits.

RESPONSE TO ARGUMENTS

7. On pages 13-15, Applicant argues Zamir does not necessarily, consistently, and inevitably produce phrases that include keywords of the original search query. Applicant's argument is not persuasive because the cited portion clearly disclose the argued limitation. For example, Figure 5.2 demonstrates a search query of "Clinton." Figure 5.4 demonstrates the segments ("Clinton scandals" and "Hillary Clinton") comprising at least one or more keywords ("Clinton") which reasonably describes the argued limitation of generating a set of final search results from the search results...using one or more segments of the search results...includes at least one or more keywords.
8. On pages 16-18, Applicant argues the rejection is improper because "the Examiner picked, chose and combined various parts of the Zamir paper not directly related to each other." Applicant's argument is not persuasive as discussed below. As for claim 47, Applicant asserts the cited sections of the Zamir paper concerns FSC, the performance of

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which was compared with that of the STC. Applicant's argument is not persuasive because FSC and STC are directly related. For example, Zamir describes "[w]e call this version of the STC algorithm Frequent Set Clustering (FSC) and the implementation of Grouper" (page 98, section 4.6). Further, Zamir discloses "we generalized the STC algorithm such that phrase clusters are defined using frequent sets" (page 166, 2nd paragraph).

9. As for claim 48, it is noted that the cited portion is directed to single-pass algorithm, however, the description is merely a well-known in the art feature of any clustering algorithm. The cited portion reasonably demonstrates the feature in claim 48 is an inherent feature of the clustering algorithm relied upon by Zamir.
10. As for claims 66, 67, 70, and 71, Applicant argues Zamir does not describe the limitation of segments are sentences or paragraphs. Applicant's argument is not persuasive because the segments described by Zamir reasonably comprise sentences and paragraphs. For example, Figure 5.3 and Figure 6.1 illustrate the clusters which are used to generated the set of final results reasonably anticipate the argued limitations.
11. On pages 18-19, Applicant argues the that the Examiner's assertion of obviousness makes not sense. Applicant's argument is not persuasive because the claims are merely directed to the automation of a manual process. The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art to perform the query method of Zamir automatically without user intervention as exemplified by Applicant.

CLAIM REJECTIONS - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims 46-52, 54, 55, 57, 58, 60, 61, and 64-71 are rejected under 35 U.S.C. 102(a) as being anticipated by Zamir (1999).
14. In regard to claim 46, Zamir discloses a method for processing search results the method comprising acts of:
- a) receiving search results that have been generated based on a query that includes one or more keywords (page 119, section 5.2, e.g. user entering a query, page 120, last line, main results page as in Figure 502, to page 121, line 1, query “Clinton”);
 - b) receiving at least one of the one or more keywords (page 125, lines 6-8, e.g. Refine Query, page 126, Figure 5.4, "clinton" query refinement page for the first cluster of search results); and
 - c) generating a set of final search results from the search results that were received, the act of generating being performed by using one or more segments of the search results, wherein each of the one or more segments used includes at least one of the one or more keywords (page 125, lines 6-8, e.g. Refine Query, page 126, Figure 5.4, "clinton" query refinement page for the first cluster of search results).
15. In regard to claims 47, Zamir discloses

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- 1) determining, using the one or more keywords, whether or not a candidate search result is similar to a search result already in the set of final search results (page 105, item 4, e.g. "near duplicate elimination") and
 - 2) if it is determined that the candidate search result is similar to a search result already in the set of final search results, then not adding the candidate search result to the set of final search results (page 106, lines 1-9, e.g. duplicate and remove one of them).
16. In regard to claim 48, Zamir discloses
- 1) determining, using the one or more keywords, whether or not a candidate search result is similar to a search result already in the set of final search results (page 29, last paragraph, e.g. if its similarity to this cluster is above predefined threshold the document will be added to that cluster, otherwise it will be used to create a new cluster), and
 - 2) adding the search results to the set of final search results only if it is determined that the candidate search result is not similar to any search results already in the set of final search results (page 29, last paragraph, e.g. if its similarity to this cluster is above predefined threshold the document will be added to that cluster, otherwise it will be used to create a new cluster).
17. In regard to claim 54, Zamir discloses wherein the act of generating a set of final search results from the search results received includes using comparisons of the segments of the search results (page 29, last paragraph, e.g. each additional document is compared to existing clusters).

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18. In regard to claim 55, Zamir discloses wherein the set of final search results includes Web pages (page 127, section 5.3.1, e.g. web documents).
19. In regard claims 49-52, 57, 58, 60, and 61, Hatakeyama discloses the computer-readable medium and apparatus (page 129, last paragraph, e.g. DEC AlphaStation 500) for implementing the above cited method.
20. In regard to claims 62 and 63, Zamir describes a selected phrase is automatically added to the "new query" query box, as the phrases in the dynamic index can be very helpful in defining the reformulated query (page 150, last two lines).
- 21.
22. In regard to claims 64-71, Zamir disclose the segments are windows defined by a predetermined number of characters, words, sentences, and paragraphs (page 7, last paragraph, e.g. sliding windows of n words...phrases, page 38, last paragraph, e.g. sliding window of five words, and page 98, section 4.6, e.g. sliding windows of n words over the text).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent

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any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamir (1999) as applied to claims 46-52, 54, 55, 57, 58, 60, 61, and 64-71 above.

26. In regard to claims 62 and 63, Zamir describes the claimed invention as cited above.

Further, Zamir describes a selected phrase is automatically added to the "new query" query box, as the phrases in the dynamic index can be very helpful in defining the reformulated query (page 150, last two lines). Further, Zamir discloses the automatic querying accepting queries (page 125, lines 6-8, e.g. Refine Query, page 126, Figure 5.4, "clinton" query refinement page for the first cluster of search results). Applicant supports the method can be performed automatically, without user intervention by stating at the context of a search facility 730, not input devices, other than those needed to accept queries (page 32, lines 5-13). It would have been obvious to of ordinary skill in the art to conclude that the query method of Zamir is performed automatically without user intervention as exemplified by Applicant.

CONCLUSION

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29.

30. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

31. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

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32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571)272-3642.

/Cheyne D Ly/

Primary Examiner, Art Unit 2168